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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/747,989

12/29/2003

George Wolberg

14309

6559

23676

7590

06/03/2005

SHELDON & MAK, INC
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EXAMINER

LOCKETT, KIMBERLY R

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/747,989

Applicant(s)

WOLBERG ET AL.

Examiner

Kim R. Lockett

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,9-13 and 20 is/are rejected.
- 7) ☒ Claim(s) 2,4-8 and 14-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2837

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 9-13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer in view of Goldner.

Hammer discloses the use of an apparatus for turning bound pages, the apparatus comprising a support assembly ('2) for holding the bound pages, a lifting assembly coupled to the support and capable of lifting at least a portion of the page; and a turnstile transportation assembly comprising a plurality of flippers (10a & 10b); a turnstile assembly with a rest position in which one of the plurality of flippers is positioned across a bound page to hold the bound page in an open condition (see figure 1) and wherein the turnstile assembly rotates causing the lifting assembly to lift one of the pages and one of the plurality of flippers to rotate underneath the lifted page; and wherein the finger underneath the lifted page is rotated to turn the page and to place the turnstile in the rest position (see figures 5a-5c). Hammer further discloses the use of a device that turns pages either forward or backward (column 4, lines 1-20) and the use of a foot pedal button for energizing the page turning device..

Hammer does not disclose the use of an apparatus with a flipper positioned across two opposite bond pages.

Goldner discloses the an apparatus for turning bound pages with a flipper positioned across two opposite bond pages (see figures 1-3) and a motor assembly (60) coupled to the support assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device as disclosed by Hammer with the flipper and motor as disclosed by Goldner in order to provide an efficient means of controlling a page turner since Hammer discloses that his device can be used with a motor.

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer in view of Goldner and Dallas.

Hammer and Goldner do not disclose the specific use of a finger with a rubber tip.

Dallas discloses the use of a page turner with a finger and an attached rubber tip (26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device as disclosed by Hammer with the flipper and motor as disclosed by Goldner and the rubber tip as disclosed by Goldner in order to provide an efficient means of turning a page that is similar to hand turning.

Allowable Subject Matter


4. Claims 2, 4-8, and 14-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center at 703-872-9306.

For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose **telephone number is 800-786-9199**. Assistance is also available on the Internet at www.uspto.gov.

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Kim Lockett whose telephone number is (703) 308-7615, after 2/3/04 my new number will be (571) 272-2067**. The examiner can normally be reached on Tuesday through Friday from 6:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107.


**KIMBERLY LOCKETT
PRIMARY EXAMINER**